

In re Patent Application of:
CAPPELLETTI ET AL.
Serial No. 09/699,041
Filing Date: October 27, 2000

REMARKS

Applicants would like to thank the Examiner for the thorough examination of the present application. Applicants would also like to thank the Examiner for allowing Claims 22-34, and for correctly indicating as allowable the subject matter of dependent Claims 8-20 and 40-42. The arguments supporting patentability of the claims are presented in detail below.

I. The Claims Are Patentable

The Examiner rejected independent Claims 7 and 35 over the Argyroudis patent in view of the Santore et al. patent.

The present invention, as recited in independent Claim 7, for example, is directed to a data transceiver station comprising a modem to be connected to a transmission line for receiving digital data; a microprocessor connected to the modem for receiving demodulated digital data therefrom according to a Packet Mode transmission or a Bit Mode transmission, and an interface circuit connected between the microprocessor and the modem. The interface circuit switches between a Packet Mode and a Bit Mode during transfer of the demodulated digital data to the microprocessor. The switching is based upon whether the received digital data is a Packet Mode transmission or a Bit Mode transmission. The data transceiver station in accordance with the claimed invention advantageously joins together the advantages of a Packet Mode transmission with the advantages of a Bit Mode transmission.

Referring now to FIG. 2 of the Argyroudis patent, the Examiner has characterized the data transceiver station as

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comprising a modem 226, 234 connected to a transmission line 228, 230, and a microprocessor 214 connected to the modem. An interface circuit 224 is connected between the microprocessor 214 and the modem 226, 234.

As correctly noted by the Examiner, Argyroudis fails to disclose that the interface circuit 214 is capable of operating between a Packet Mode transmission and a Bit Mode transmission. The Examiner cited the Santore et al. patent as disclosing a communications system having an interface card 30d operating between a Packet Mode transmission and a Bit Mode transmission. The Examiner has taken the position that it would have been obvious to modify the interface circuit 224 in Argyroudis based upon Santore et al. to extend the operating capability of the data transceiver station disclosed therein since it could operate in two modes.

It appears that the Examiner is using impermissible hindsight reconstruction to modify Argyroudis in view of Santore et al. in an attempt to produce the claimed invention. The Applicants respectfully asserts that obvious cannot be established by combining the teachings of Argyroudis in view of Santore et al. to produce the claimed invention without some proper prior art teaching, suggestion or incentive supporting such a combination.

For example, the interface circuit 224 in Argyroudis supports real-time reading and control of remote metering devices over a shared random access channel using various PLC (power line encoded) messages. Argyroudis fails to teach or suggest that the interface circuit 224 should also support other type transmissions (such as a Bit Mode transmission and Burst Mode transmission) during transfer of data to the

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microprocessor 214.

In Santore et al., the disclosed interface card 30d supporting Packet Mode transmission and Bit Mode transmission interface is not connected between a modem and a processor. Instead, the interface card 30d is based upon multiple RISC processors which provide packet switching and LAN internetworking, and is connected between a backplane bus 20 and a LAN network, as illustrated in FIG. 1.

In other words, there must be some reason given in the prior art why one of ordinary skill would have been prompted to combine the teachings of the references as suggested by the Examiner in an attempt to arrive at the claimed invention. The prior art references, individually, or in combination, do not teach or suggest such a combination.


Accordingly, it is submitted that independent Claim 7 is patentable over Argyroudis in view of Santore et al. Independent Claim 35 is similar to independent Claim 7. Therefore, it is also submitted that this claim is also patentable over Argyroudis in view of Santore et al. In view of the patentability of the independent Claims 7 and 35, it is submitted that their dependent claims, which recite yet further distinguishing features of the invention, are also patentable. These dependent claims require no further discussion herein.

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CONCLUSION

In view of the arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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